

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ROBERT GEORGE,
Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,
Respondent-Appellee.

NOV 14 2023
S.D.N.Y.

Criminal Case No. 05-CR-249-TPG

INORDINATE DELAY

Comes Now the petitioner, Robert George, in pro se, in necessity, and hereby moves this court to issue a COA pursuant to 28 U.S.C. § 2253(c)(2). he herein seeks a COA authorizing him to appeal from Inordinate Delay of his 28 U.S.C. § 2255 Motion to Vacate Set Aside, or correct sentence. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). Miller El v. Cockrell, 537 U.S. 322, 123 S.Ct. 1029, 154 L.Ed. 2d 931.

I. STATEMENT OF THE JURISDICTION

The jurisdiction to issue a C.O.A. is invoked pursuant to 28 U.S.C. § 2253 and 2255.

II. STATEMENT OF THE CASE

On October 16, 2023 Robert George filed his § 2255 as to this date there has been no action taken. The following is the time-line.

- 1). On October 16, 2023 Robert George filed a meritorious 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or correct Sentence.
- 2). On November 03, 2023, the court has failed to respond thus causing an Inordinate Delay.
- 3). As of November 06, 2023, the government has failed to respond thus, causing a serious Inordinate Delay.
- 4). Since, the Court & the government has never responded the Notice of Appeal is being filed for a C.O.A..

A scheduling order
was promptly
entered.

On
October
3/2023

for an
orderly
briefing of
the issue.

SO
ORDERED
BY
USDS
11-16-23

Mailed to M. George
11/16/2023